

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**WHITEMAK ASSOCIATES and  
PENNSYLVANIA REAL ESTATE  
INVESTMENT TRUST,  
Plaintiff,**

**v.**

**OCB RESTAURANT COMPANY, LLC.,  
Defendant.**

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**CIVIL ACTION**

**NO. 12-4338**

**ORDER**

**AND NOW**, this 28th day of February 2013, upon consideration of Defendant's Motion to Dismiss (Doc. No. 5) and Plaintiff's Response thereto (Doc. No. 8), Defendant's Reply (Doc. No. 11), and Plaintiff's Surreply (Doc. No. 14), **IT IS HEREBY ORDERED** that Defendant's Motion is **DENIED**.

BY THE COURT:

*/s/ Lawrence F. Stengel*  
LAWRENCE F. STENGEL, J.